

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
IN CLERKS OFFICE

2004 JUN -4 P 1:10

PURPLE TUNNEL ENTERPRISES, INC.,
LOUIS G. SILVA, JR., and
ANTHONY D. FONTES, III,
Plaintiffs

U.S. DISTRICT COURT
DISTRICT OF MASS.

v.

C.A. NO. 04-10874 EFH

BEACON HALL, LLC, ERIK HALL MOSHER,
JAMES M.F. GILMORE, DOUGLAS MASTER,
and ANDREW P. PALMER,
Defendants

**DEFENDANTS', BEACON HALL, LLC, ERIK HALL MOSHER, JAMES M.F.
GILMORE, DOUGLAS MASTER AND ANDREW P. PALMER, OPPOSITION TO
PLAINTIFFS' MOTION FOR REMAND TO STATE COURT**

I. ARGUMENT

Defendants, Beacon Hall, LLC, Eric Hall Mosher, James M.F. Gilmore, Douglas Master, and Andrew P. Palmer, hereby oppose the motion by Plaintiffs, Purple Tunnel Enterprises, Inc., Louis G. Silva, Jr. and Anthony D. Fontes III, to remand this case to state court.

Defendant, Eric Hall Mosher, did consent to removal of this action to federal court and was included in the Motion for Removal. Defendant's, Eric Hall Mosher, name was inadvertently left off the motion and such error was a mere technicality.

Defendant, Eric Hall Mosher, was included in the caption.

Defendant, Beacon Hall, LLC was included in all sections of the motion and Defendant, Eric Hall Mosher, is the controlling member of Beacon Hall, LLC.

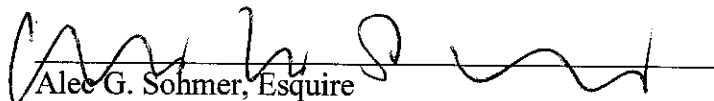
We have this day, in conjunction with this Opposition, served an amended Notice of Removal with this Court, specifically including Defendant, Eric Hall Mosher.

II. CONCLUSION

For the foregoing reasons, the Defendants request that this Court deny Plaintiffs' Motion for Remand and maintain the current schedule set by this Court.

This Motion in Opposition to Remand is signed pursuant to Rule 11 of the Federal Rules of Civil Procedure.

BEACON HALL, LLC, ERIC HALL MOSHER, JAMES
M.F. GILMORE, DOUGLAS MASTER and ANDREW P.
PALMER,
By their attorney,



Alec G. Sohmer, Esquire
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BBO No.: 559204

Date: Friday, June 04, 2004

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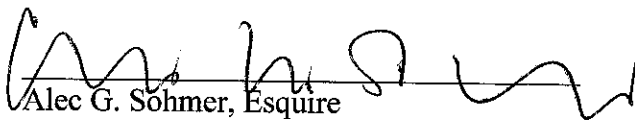
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CERTIFICATE OF SERVICE

I, Alec G. Sohmer, attorney for Defendants, Beacon Hall, LLC, Eric Hall Mosher, James M.F. Gilmore, Douglas Master and Andrew P. Palmer, hereby certify that on Monday, June 4, 2004, I served the above Opposition to the Motion for Remand to the following via fax and by mailing a copy of same, postage pre-paid:

Andrew C. Oatway, Esquire
Morisi & Oatway, PC
1400 Hancock Street, 3rd Floor
Quincy, MA 02169-5293
(617) 479-6885

Signed this 4th day of June, 2004 under the pains and penalties of perjury.


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